

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL POSTAWKO, et al.,)
Plaintiffs,)
v.)
MISSOURI DEPARTMENT OF) No. 16-CV-4219-NKL-P
CORRECTIONS, et al.,)
Defendants.)

**PLAINTIFFS' PRE-HEARING MOTION FOR EXPERT DISCLOSURE
AND SUGGESTIONS IN SUPPORT**

Plaintiffs move this Court for entry of an order requiring Defendants to disclose, by July 22, 2019, the experts on whose testimony they will rely in support of their opposition to Plaintiffs' motion for a preliminary injunction. In support, they state as follows:

1. On June 17, 2019, Plaintiffs filed a motion for preliminary injunction (ECF No. 289) to stop ongoing, irreparable harm and requested a hearing on their motion.

2. Defendants' opposition to that motion was, by rule, required to be filed by July 1, 2019. *See* L.R. 7.0(c). Defendants, however, moved for an extension of time related to their opposition and preferred a later hearing date (ECF No. 295). Plaintiffs opposed Defendants' motion for a protracted schedule and requested a hearing on their motion as early as mid-July (ECF No. 297).

3. In order to “accommodat[e] the schedule of defendant Corizon’s lead counsel,” this Court set the preliminary injunction hearing for August 12, 2019 and deferred the date by which Defendants must file their opposition to August 8, 2019 (ECF No. 298).¹

¹ The hearing has since been reset for August 13, 2019.

4. As such, prior to the hearing, Plaintiffs will have just four days' notice of the experts on whose testimony Defendants will rely in support of their opposition. Had their response been filed when it was initially due, Plaintiffs would have been notified of Defendants' experts in July. By contrast, as of the date of the hearing, Defendants will have had notice of Plaintiffs' preliminary injunction experts for almost two months.

5. Plaintiffs have attempted to come to an agreement with Defendants regarding the disclosure of their opposition experts, but Defendants have demurred. Defendants have made clear they will not agree to any such disclosure unless Plaintiffs agree to "reconsider the unnecessary rush to a preliminary injunction hearing."

WHEREFORE, in the interest of justice and fairness, Plaintiffs request that the Court order Defendants to disclose by July 22, 2019 any individual who Defendants anticipate will offer written or live opinion testimony, so that Plaintiffs might have an adequate opportunity to prepare for the upcoming hearing.

Dated: July 16, 2019

Respectfully submitted,

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C1RTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2019, a true and correct copy of the foregoing document was electronically filed using the Court's online case filing system, which will send notice to all counsel of record.

By: /s/ Amy E. Breihan